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EXAMINER

PATEL, NIKETA I

ART UNIT PAPER NUMBER

2182

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/727,174

Applicant(s)

MONTGOMERY ET AL.

Examiner

Niketa I. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 32-37, 41, 42 and 44-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-36 is/are allowed.
- 6) ☒ Claim(s) 37, 41, 42 and 44-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 37, 46-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinagawa et al. Japanese Patent Number: JP401280889A (hereinafter referred to as "*Shinagawa*",) Kawan U.S. Patent Number: 5,796,832 (hereinafter referred to as "*Kawan*") and further in view of Kusakabe et al. U.S. Patent Number: 6,662,286 (hereinafter referred to as "*Kusakabe*".)

3. **Referring to claim 37**, *Shinagawa* teaches a smart card comprising: means configured to communicate in an asynchronous manner to a smart card terminal [see page 6 - lines 22-27]; and means operable to use the means configured to communicate in a asynchronous manner to request resources selected from the set including terminal resources, host resources, and network resources [see page 7 - lines 3-13; page 8 - lines 11-16]; *Shinagawa* fails to explicitly set forth the limitation of

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network resources however, *Kawan* teaches a use of a smart card to access network resources [see *Kawan* column 4 - lines 43-56; column 6 - lines 13-35.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the smart card of *Shinagawa* to be able to access network resources to allow a smart card user to access various peripherals connected to a host system. It is for this reason that one of ordinary skill in the art would have been motivated to implement *Shinagawa's* smart card to allow a user to access various peripherals connected to a host system and to improve system flexibility.

*Shinagawa* does not teach means operable to receive a polling packet from the terminal and in response to receiving a polling packet, operable to transmit an indication that smart card desires to transmit data to the terminal, however *Kusakabe* teaches to receive a polling packet from the terminal and in response to receiving a polling packet, operable to transmit an indication that the smart card desires to transmit data to the terminal [see *Kusakabe* column 12 - lines 4-8] resulting in decreased number of collisions on the network by scheduling communication exchanges.

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One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the smart card of *Shinagawa* to be polled by the terminal device in order to decrease number of collisions on the network by scheduling communication exchanges. It is for this reason that one of ordinary skill in the art would have been motivated to implement *Shinagawa's* smart card to be polled by the terminal device to decrease number of collisions on the network by scheduling communication exchanges.

4. **Referring to claim 46**, teachings of *Shinagawa* as modified by the teachings of *Kawan & Kusakabe* as applied to claim 37 above teaches that the means configured to communicate in an asynchronous manner [see *Shinagawa* page 6 - lines 22-27], however *Shinagawa* fails to explicitly set forth the limitation of a full duplex.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that a full duplex was a well known type of a transmission mode in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement *Shinagawa's* invention with a full duplex transmission mode to allow for a bi-directional, simultaneous two-way communications.

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5. **Referring to claims 47 and 48**, teachings of *Shinagawa* as modified by the teachings of *Kawan & Kusakabe* as applied to claim 37 above teaches that the means configured to communicate in an asynchronous manner [see *Shinagawa* page 6 - lines 22-27], however *Shinagawa* fails to explicitly set forth the limitation of a standard packet protocol and a network packet protocol.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that a standard packet protocol and a network packet protocol were well known type of communication protocols in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement *Shinagawa's* invention with a standard and a network protocol to enable IC card to communicate with the resources to exchange information with as little error as possible.

6. **Referring to claim 49**, teachings of *Shinagawa* as modified by the teachings of *Kawan & Kusakabe* as applied to claim 37 above fails to explicitly set forth the limitation of the network resources being identified using domain name services, however *Kawan* teaches use of an Internet to access network resources [see *Kawan* column 3 - lines 27-35, 43-56.]

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and

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well known in the computer art to use a domain name services to access domain address. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include domain name services to access domain address of a desired domain.

7. **Referring to claims 50 and 51**, teachings of *Shinagawa* as modified by the teachings of *Kawan & Kusakabe* as applied to claim 37 above teaches the network resources are accessed by remote message invocation and remote procedure call [see *Kawan* column 3 - lines 27-35, 43-56.]

8. **Referring to claims 52 and 53**, teachings of *Shinagawa* as modified by the teachings of *Kawan & Kusakabe* as applied to claim 37 above teaches that the network resources enable various network devices [see *Kawan* column 4 - lines 43-56; column 6 - lines 13-35.] *Shinagawa* fails to explicitly set forth the limitation of the network resources enable network games and remote diagnostics.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to use game and remote diagnostics devices as a network device to increase flexibility of the network and to perform various types of user tasks. It would have been obvious to one of ordinary skill in the art at

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the time of applicant's invention to include games and remote diagnostics devices as part of the network resources to increase flexibility of the network and to perform variety of user tasks.

9. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinagawa et al. Japanese Patent Number: JP401280889A (hereinafter referred to as "*Shinagawa*",) Kawan U.S. Patent Number: 5,796,832 (hereinafter referred to as "*Kawan*"), Kusakabe et al. U.S. Patent Number: 6,662,286 (hereinafter referred to as "*Kusakabe*") as applied to claim 37, and further in view of Gopal et al. U.S. Patent Number: 5,889,963 (hereinafter referred to as "*Gopal*".)

10. **Referring to claim 41**, teachings of *Shinagawa* as modified by the teachings of *Kawan* & *Kusakabe* as applied to claim 37 above teaches an indication to commence transmitting data [see *Kusakabe* column 12 - lines 4-8; see *Shinagawa* page 6 - lines 22-27] however does not teach wherein the indication that the smart card desires to transmit data contains an indication of the length of data the smart card desires to send to the terminal. *Gopal* teaches to transmit data length indication in response to a polling packet [see *Gopal* column 3 - lines 23-55], in order to insure proper bandwidth and transmission of the data.



One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the smart card system of *Shinagawa* to be able to transmit data length indication in response to a polling packet in order to insure proper bandwidth and transmission of the data. It is for this reason that one of ordinary skill in the art would have been motivated to implement *Shinagawa's* smart card system with data length indication in response to a polling packet in order to insure proper bandwidth and transmission of the data.

11. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Shinagawa et al.* Japanese Patent Number: JP401280889A (hereinafter referred to as "*Shinagawa*") and further in view of *Kusakabe et al.* U.S. Patent Number: 6,662,286 (hereinafter referred to as "*Kusakabe*".)

12. **Referring to claim 42**, *Shinagawa* teaches a computer system comprising: a terminal for communicating with smart cards [see page 6 - lines 22-27]; the terminal having a means for simulating asynchronous communication with the smart card [see page 7 - lines 3-13; page 8 - lines 11-16], however *Shinagawa* does not teach a means for transmitting a polling packet to the smart card. *Kusakabe* teaches transmitting a polling packet to

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the smart card requesting an indication of whether the smart card desires to transmit data to the terminal [see *Kusakabe* column 12 - lines 4-8] resulting in decreased number of collisions on the network by scheduling communication exchanges.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the smart card of *Shinagawa* to be polled by the terminal device in order to decrease number of collisions on the network by scheduling communication exchanges. It is for this reason that one of ordinary skill in the art would have been motivated to implement *Shinagawa's* smart card to be polled by the terminal device to decrease number of collisions on the network by scheduling communication exchanges.

13. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Shinagawa et al.* Japanese Patent Number: JP401280889A (hereinafter referred to as "*Shinagawa*"), *Kusakabe et al.* U.S. Patent Number: 6,662,286 (hereinafter referred to as "*Kusakabe*") as applied to claim 42 and further in view of *Gopal et al.* U.S. Patent Number: 5,889,963 (hereinafter referred to as "*Gopal*".)

14. **Referring to claims 44 and 45**, teachings of *Shinagawa* as modified by the teachings of *Kusakabe* as applied to claim 42

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above teaches an indication to commence transmitting data [see *Kusakabe* column 12 - lines 4-8; see *Shinagawa* page 6 - lines 22-27] however does not teach wherein the terminal further

comprises means for receiving a data length indication from a smart card and an indication to commence transmitting data having the length indicated by the smart card in the data length indication. *Gopal* teaches to transmit data length indication in response to a polling packet [see *Gopal* column 3 - lines 23-55], in order to insure proper bandwidth and transmission of the data.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the smart card system of *Shinagawa* to be able to transmit data length indication in response to a polling packet in order to insure proper bandwidth and transmission of the data. It is for this reason that one of ordinary skill in the art would have been motivated to implement *Shinagawa's* smart card system with data length indication in response to a polling packet in order to insure proper bandwidth and transmission of the data.

***Allowable Subject Matter***

15. Claims 32-36 are allowed.

***Response to Arguments***

16. Applicant's arguments filed 07/15/2004 have been fully considered but they are not persuasive.

The applicant argues (1) that the *Shinagawa* reference does not teach communication in an asynchronous manner and (2) that the *Kusakabe* does not teach transmitting a polling packet to the smart card requesting an indication of whether the smart card desires to transmit data to the terminal. The examiner respectfully disagrees with these arguments.

As per the first argument, the examiner has relied upon the definition of asynchronous as provided by the Microsoft Computer Dictionary (page 38), which states asynchronous communication can start and stop at any time instead of having to match the timing governed by a clock. *Shinagawa* teaches that either the smart card terminal or the smart card can be the master and send data when either of them has any data to send [see page 6, paragraphs 3, 4] this implies that both of them run on their own clock signal as required by an asynchronous communication, i.e. either of them can start and stop the communication when desired with out having to depend on other's clock signal.

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*As per the second argument*, the examiner has relied upon the definition of the terms poll & polling as provided by the Newton's Telecom Dictionary (page 577), which states that poll is a control message sent from a central controller to an individual station inviting that station to send information, if it has any information to send. *Kusakabe* teaches a smart card terminal that performs polling [see column 12, lines 4-8], i.e. sends a control message to a an IC card to see if it has any information to send.

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272 4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP  
10/28/2004

  
**KIM HUYNH**  
**PRIMARY EXAMINER**

10/29/04